

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ARBUTUS BIOPHARMA CORPORATION	)	
and GENEVANT SCIENCES GmbH,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 22-252 (MSG)
	)	
MODERNA, INC. and MODERNATX, INC.	)	
	)	REDACTED - PUBLIC VERSION
Defendants.	)	Original filing date: May 15, 2024
	)	Redacted filing date: June 10, 2024
MODERNA, INC. and MODERNATX, INC.,	)	
	)	
Counterclaim-Plaintiffs,	)	
	)	
v.	)	
	)	
ARBUTUS BIOPHARMA CORPORATION	)	
and GENEVANT SCIENCES GmbH,	)	
	)	
Counterclaim-Defendants.	)	

**DEFENDANTS' MOTION AND [PROPOSED] ORDER TO SEAL  
PORTIONS OF MODERNA'S ANSWER TO THE AMENDED COMPLAINT**

Pursuant to the Protective Order (D.I. 91) as modified by the Court's November 14, 2023 Order (D.I. 155), Defendants Moderna, Inc. and ModernaTX, Inc. ("Moderna") respectfully move this Court for an order granting leave to file partially redacted versions of Moderna's Answer to Plaintiffs' Amended Complaint ("Answer").

Moderna moves to redact confidential information in paragraphs 56–58, 77–78, 98–99, 119–120, 143–144, 169–170, and 190–191 of the Answer, which includes, references, and/or quotes Moderna's sensitive and confidential information. The confidential material Moderna seeks to redact is the same confidential material that was subject to Moderna's Motion to Seal Plaintiff's Amended Complaint (D.I. 312), which the Court granted on May 13, 2024 (D.I. 314). Thus, Moderna's Motion to Seal the Amended Complaint, brief in support thereof, and the

associated Declaration of Don Parsons (D.I. 312, 313) are equally applicable here and are each incorporated herein by reference in support of the instant Motion. A highlighted version of Moderna's Answer reflecting its proposed redactions is attached hereto as Exhibit A, and a version with the proposed redactions applied is attached hereto as Exhibit B.

WHEREFORE, Moderna respectfully requests that the Court grant Moderna's Motion and enter the enclosed order permitting Moderna to file the redacted version of its Answer.

OF COUNSEL:

James F. Hurst  
KIRKLAND & ELLIS LLP  
300 North LaSalle  
Chicago, IL 60654  
(312) 862-2000

Patricia A. Carson, Ph.D.  
Jeanna M. Wacker, P.C.  
Mark C. McLennan  
Caitlin Dean  
N. Kaye Horstman  
Shaoyao Yu  
KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, NY 10022  
(212) 446-4679

Yan-Xin Li  
KIRKLAND & ELLIS LLP  
555 California Street, 27th Floor  
San Francisco, CA 94104  
(415) 439-1400

Alina Afinogenova  
KIRKLAND & ELLIS LLP  
200 Clarendon Street  
Boston, MA 02116  
(617) 385-7500

May 15, 2024

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Brian P. Egan*

---

Jack B. Blumenfeld (#1014)  
Brian P. Egan (#6227)  
Travis J. Murray (#6882)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jblumenfeld@morrisnichols.com  
began@morrisnichols.com  
tmurray@morrisnichols.com

*Attorneys for Defendants*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ARBUTUS BIOPHARMA CORPORATION	)	
and GENEVANT SCIENCES GmbH,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 22-252 (MSG)
	)	
MODERNA, INC. and MODERNATX, INC.	)	
	)	
Defendants.	)	
<hr/>		
MODERNA, INC. and MODERNATX, INC.,	)	
	)	
Counterclaim-Plaintiffs,	)	
	)	
v.	)	
	)	
ARBUTUS BIOPHARMA CORPORATION	)	
and GENEVANT SCIENCES GmbH,	)	
	)	
Counterclaim-Defendants.	)	

**[PROPOSED] ORDER**

The Court, having considered Moderna's Motion to Seal (the "Motion"), IT IS HEREBY ORDERED this \_\_\_ day of \_\_\_\_\_, 2024 that the Motion is GRANTED.

Leave is given for Moderna to file its Answer to Plaintiffs' Amended Complaint in redacted form.

\_\_\_\_\_  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on May 15, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on May 15, 2024, upon the following in the manner indicated:

John W. Shaw, Esquire  
Karen E. Keller, Esquire  
Nathan R. Hoeschen, Esquire  
Emily S. DiBenedetto, Esquire  
SHAW KELLER LLP  
I.M. Pei Building  
1105 North Market Street, 12th Floor  
Wilmington, DE 19801  
*Attorneys for Plaintiffs Arbutus Biopharma  
Corporation and Genevant Sciences GmbH*

*VIA ELECTRONIC MAIL*

Daralyn J. Durie, Esquire  
Adam R. Brausa, Esquire  
Eric C. Wiener, Esquire  
Annie A. Lee, Esquire  
Shaelyn K. Dawson, Esquire  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, CA 94105-2482  
*Attorneys for Plaintiff Arbutus Biopharma  
Corporation*

*VIA ELECTRONIC MAIL*

Kira A. Davis, Esquire  
MORRISON & FOERSTER LLP  
707 Wilshire Boulevard  
Los Angeles, CA 90017-3543  
*Attorneys for Plaintiff Arbutus Biopharma  
Corporation*

*VIA ELECTRONIC MAIL*

David N. Tan, Esquire  
MORRISON & FOERSTER LLP  
2100 L Street, NW, Suite 900  
Washington, DC 20037  
*Attorneys for Plaintiff Arbutus Biopharma  
Corporation*

*VIA ELECTRONIC MAIL*

David I. Berl, Esquire  
Adam D. Harber, Esquire  
Thomas S. Fletcher, Esquire  
Jessica Palmer Ryen, Esquire  
Shaun P. Mahaffy, Esquire  
Anthony H. Sheh, Esquire  
Philip N. Haunschild, Esquire  
Falicia Elenberg, Esquire  
Jihad J. Komis, Esquire  
Matthew W. Lachman, Esquire  
WILLIAMS & CONNOLLY LLP  
680 Maine Avenue S.W.  
Washington, DC 20024  
*Attorneys for Plaintiff Genevant Sciences GmbH*

*VIA ELECTRONIC MAIL*

*/s/ Brian P. Egan*

---

Brian P. Egan (#6227)